

IPC Infrastructure Planning Commission

Meeting Note

File reference	Offshore Consenting Forum, Non-case Specific
Status	Draft
Author	Amy Cooper

Meeting with	Joint Nature Conservation Committee (JNCC), Natural England (NE), Welsh Assembly Government (WAG), Countryside Council for Wales (CCW)
Meeting date	25th May 2010
Attendees (IPC)	Simon Butler, Sheila Twidle, Laura Allen, David Cliff, Amy Cooper
Attendees (non IPC)	<u>JNCC</u> : Lucy Greenhill <u>Natural England</u> : Victoria Copley <u>CCW</u> : Jessica Orr <u>WAG</u> : Tamsin Brown
Apologies	<u>MMO</u> : Shaun Nicholson <u>WAG</u> : Ann John <u>JNCC</u> : Finlay Bennet <u>CCW</u> : Andrew Hill
Location	IPC Offices, Temple Quay, Bristol

Meeting purpose	To set out key responsibilities with regards to off shore NSIP developments.
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Summary of outcomes	<p>1. Work on Standard requirements/conditions (for DCO and Marine Licenses)</p> <p>Group discussed the current approach to developing conditions under s36 of the Electricity Act.</p> <p>For Round 1+2 Off Shore Wind Farm projects generic conditions were submitted, as turbine dimensions and foundation designs were often unknown at the application stage. Experience has found that conditions were then refined during examination of the application, which enabled a level of design flexibility on the scheme.</p> <p>Issues for consideration:</p> <ul style="list-style-type: none"> EIA process should look at all design variations e.g. different foundations, wing tip height, etc. and assess the worst case in every event. This is likely to impact on the level of flexibility given to schemes
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submitting a DCO application.

- Need for applicants to review approach to drafting requirements / conditions prior to submitting a DCO application e.g. Pre-construction geological surveys were usually undertaken post DCO to inform the detail design of foundations.
- Opportunity to refine and improve marine licence conditions i.e. Post Construction monitoring.
- Opportunity for conditions to change as long as they are not deemed significant.
- Need to develop feedback system which captures the effects of any monitoring requirements.

Research undertaken to date:

The MMO/MFA are developing standard marine license conditions and identifying mitigations or suitable recommended monitoring conditions.

Natural England has begun formulating a knowledge bank of lessons learnt.

CEFAS are investigating the usefulness of post construction monitoring i.e. does the monitoring requirements detect changes to the marine habitats (was a significant effect detected), what are the benefits of promoting the changes detected, and who is responsible for sharing and publicising the data.

A plethora of data is stored and shared, however some data is commercially sensitive.

MEDIN (Marine Environmental Data Information Network) could potentially facilitate sharing data. Developers are required under their lease arrangements to send R3 data to the Crown Estate (CE). MARS GIS software facilitates sharing of information and processes the raw data.

Determining details of requirements / conditions to include in a DCO/License is needed to shape mitigation, monitoring requirements and qualify data supplied to CE. Need to ensure DCO requirements do not overlap/contradict with FEPA (Marine) licence conditions, since these will be developed separately.

Thanet Offshore wind farm is reviewing extent of modifications being made to post construction license conditions.

Scottish Government is developing a License Conditions Manual which includes Standard Conditions.

DECC are preparing another Offshore Energy SEA

(OESEA2). This identifies key strategic issues (e.g. noise impacts on marine mammals) and recommends suitable actions – source Kieran O’Connell? The Scoping Report which shapes this document is available on the website.

2. Draft EIA Guidance for Offshore Wind Farms (OWFs)

The Draft Guidance is aimed at the developer and covers specific environmental topics relevant to EIA. MMO are managing the review process (contributions from various Statutory Consultees).

Scottish Natural Heritage is preparing EIA and Appropriate Assessment Guidance for publication later this year.

The IPC are producing an EIA advice notes.

3. Interaction between Statutory Bodies and IPC

MMO/DECC/JNCC/CCW/NE holds quarterly meetings with stakeholders to discuss various off shore related topics. It would be beneficial for the IPC to attend the forthcoming meeting on 8th July.

4. Review of monitoring practices as part of EIA and enforcement

How often has monitoring changed conditions? FEPA licenses can only require conditions up to 3yrs post construction.

On some occasions monitoring does not take place. E.g. Thermal imaging to monitor bird movement was intended however the developer did not do this as it was regarded too expensive.

Monitoring is an important process, gathering data and enabling the industry to learn.

CEFAS are starting to collate best practice information (see notes above).

5. Habitat Assessments

Level of background information available to the applicant:

- Round 3 – Strategic Habitats Regulations Appraisal (HRA) of the R3 plan undertaken by the Crown Estate to identify strategic issues i.e. will the plan have a likely significant effect on European sites?
- Zonal Level - Habitats Regulation Appraisal (HRA) at plan level identified key issues for each R3 Zone (e.g. sites and habitats potentially affected by development), and general mitigation measures, which developers would need to address further at the project level. These were written into the Zonal

	<p>Development Agreements for each zone that developers signed, the mechanism by which TCE ensured that the findings of the R3 plan-level HRA are implemented.</p> <p>ZAP Guidance – sets out the procedure to follow to characterise each zone (zonal appraisal) – effective way of identifying in-combination and cumulative effects.</p> <p>NE/CCW currently submits scoping reports to DECC on issues to be included as ‘sufficient information’.</p> <p>IPC currently working through procedures for the examination process which includes the development of an appropriate assessment.</p> <p>It would be useful for the SNCAs to have some kind of timeline/process map for appropriate assessment and interaction with the IPC, indicating what SNCAs will be consulted on and when; it was agreed that this issue would be passed to the IPC examination working group.</p> <p>6. Useful links with other Meeting Groups</p> <p>IPC will be running an internal workshop focusing on onshore wind farms.</p> <p>Discussion to explored contributions from other key stakeholders including CE and CEFAS.</p> <p>IPC attend marine meetings with DEFRA on new Habitat Natura Sites.</p> <p>7. AOB</p> <p>Memorandum of Understanding (MoU) between JNCC, NE, CCW and IPC was discussed.</p> <p>The OFTO process needs further understanding and discussion.</p>
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Record of any advice given	Discussed the examination process and clarified when statutory consultees would be consulted post acceptance of an application.
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Specific decisions/follow up required?	<ol style="list-style-type: none"> 1. Develop lessons learnt from previous licence consents – all to contribute. 2. IPC to provide feedback on the Draft EIA Guidance Document to MMO.
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	<ol style="list-style-type: none"> 3. Explore areas for future discussion on Round 3 roles and responsibilities with the Crown Estate. 4. Draw on knowledge from R3 Habitats Regulations Appraisals (HRA), Appropriate Assessments for ZAPs and other marine conservation zones. 5. Provide template scoping response to determine if sufficient information has been provided under the Habitat Regulations. 6. Those who attended meeting and have information about the OFTO process should circulate around the group. 7. IPC to attend the quarterly DECC round table meeting on 8th July.
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Circulation List	Simon Butler, Sheila Twidle, Laura Allen, David Cliff
	Lucy Greenhill
	Victoria Copley
	Jessica Orr
	Tamsin Brown